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Of Counsel:

STEPHEN M. GAFFIGAN, P.A.
 Stephen M. Gaffigan
 312 S.E. 17th Street – Second Floor
 Ft. Lauderdale, Florida 33316
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 Email: stephen@smgpa.net

Attorneys for Plaintiff
 Gucci America, Inc.

THE UNITED STATES DISTRICT COURT
 FOR THE SOUTHERN DISTRICT OF NEW YORK

GUCCI AMERICA, INC., a New York corporation,)	Case No. 08-cv-04760-RJS
)	
Plaintiff,)	APPLICATION FOR ENTRY OF CLERK'S DEFAULT AGAINST DEFENDANT
)	
v.)	
PAULETTE TYRRELL-MILLER a/k/a)	
PAULETTE MILLER individually, d/b/a)	
REALDEALHANDBAGS.COM d/b/a)	
REAL DEAL HANDBAGS d/b/a)	
AUTHENTICSTYLE4U.COM d/b/a)	
AUTHENTIC STYLE d/b/a/ M. MILLER)	
and DOES 1-10,)	
)	
Defendants.)	
)	

Plaintiff, Gucci America, Inc., a New York corporation, by and through its undersigned counsel, hereby requests entry of a default by the Clerk against the Defendant, Paulette Tyrrell-

Miller a/k/a Paulette Miller individually, d/b/a Realdealhandbags.com d/b/a Real Deal Handbags d/b/a Authenticstyle4u.com d/b/a Authentic Style d/b/a M. Miller ("Tyrrell-Miller"), and states as follows:

1. This Court issued Summons in the name of Tyrrell-Miller on May 21, 2008.
2. On July 14, 2008, Tyrrell-Miller was served with the Summons and a copy

Plaintiff's Complaint for Damages and Injunctive Relief. A copy of the Return of Service is on file and is identified as Docket Number 4.

3. Accordingly, Tyrrell-Miller's response to the Complaint was due on or before August 4, 2008.

4. To date, Tyrrell-Miller has not filed nor served any response to the Complaint, has not requested an extension of time to respond to the Complaint nor has any counsel made an appearance on her behalf. Counsel for Plaintiff has reviewed the docket in this matter as evidenced by the Affidavit of John Macaluso in Support of Application for Entry of Default by Clerk, attached hereto as Exhibit "1."

5. Tyrrell-Miller could not be considered an infant or an incompetent person. To the best of Plaintiff's knowledge, Tyrrell-Miller is not in the military and the Soldier's and Sailors' Civil Relief Act of 140 does not apply.

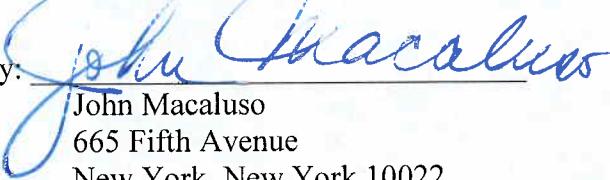
WHEREFORE, Plaintiff, Gucci America, Inc. requests that default be entered against the Defendant, Paulette Tyrrell-Miller a/k/a Paulette Miller individually, d/b/a Realdealhandbags.com d/b/a Real Deal Handbags d/b/a Authenticstyle4u.com d/b/a Authentic

Style d/b/a/ M. Miller.

DATED this 27th day of August, 2008.

Respectfully submitted,

GIBNEY, ANTHONY, & FLAHERTY, LLP

By: 

John Macaluso
665 Fifth Avenue
New York, New York 10022
Telephone: (212) 688-5151
Facsimile: (212) 688-8315
E-mail: jmacaluso@gibney.com

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true copy of the foregoing was mailed this 27 day of August, 2008 to: Paulette Tyrrell-Miller a/k/a Paulette Miller individually, d/b/a Realdealhandbags.com d/b/a Real Deal Handbags d/b/a Authenticstyle4u.com d/b/a Authentic Style d/b/a/ M. Miller at 65 Edgewater Avenue, North East, Cecil County, MD 21901 (the address at which Tyrrell-Miller was served).


Tina Ferraioli

EXHIBIT 1

Gibney, Anthony & Flaherty, LLP

John Macaluso (JM 2058)

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Facsimile (954) 767-4821

Email: stephen@smgpa.net

Attorneys for Plaintiff

Gucci America, Inc.

THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK

GUCCI AMERICA, INC., a New York corporation,

) Case No. 08-cv-04760-RJS

Plaintiff,

) **AFFIDAVIT OF JOHN
MACALUSO IN SUPPORT OF
APPLICATION FOR ENTRY OF
CLERK'S DEFAULT AGAINST
DEFENDANT**

) v.

PAULETTE TYRRELL-MILLER a/k/a
PAULETTE MILLER individually, d/b/a
REALDEALHANDBAGS.COM d/b/a
REAL DEAL HANDBAGS d/b/a
AUTHENTICSTYLE4U.COM d/b/a
AUTHENTIC STYLE d/b/a/ M. MILLER
and DOES 1-10,

Defendants.

STATE OF NEW YORK

)ss

COUNTY OF NEW YORK

BEFORE ME, the undersigned authority, personally appeared John Macaluso, who after first being duly sworn, deposes and states the following:

**Affidavit of John Macaluso
In support of
Application for Entry of Clerk's
Default Against Defendant**

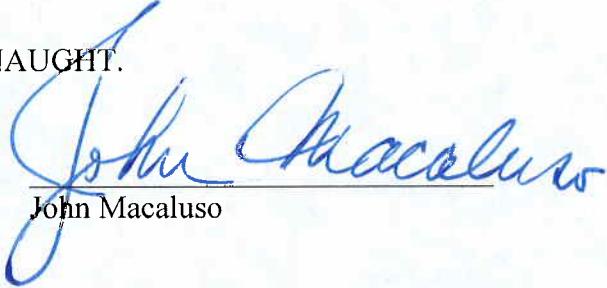
1. I am over the age 18 years, and I have personal knowledge of the information contained in this Affidavit.

2. I have reviewed the docket on this matter of the United States District Court, Southern District of New York.

3. The Defendant, Paulette Tyrrell-Miller a/k/a Paulette Miller individually, d/b/a Realdealhandbags.com d/b/a Real Deal Handbags d/b/a Authenticstyle4u.com d/b/a Authentic Style d/b/a M. Miller was served by substituted service on July 14, 2008 with the Summons and a copy of the Complaint.

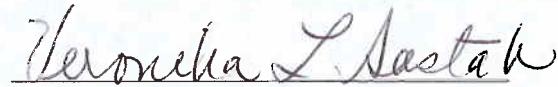
4. The time within which the Defendant may respond to the Complaint expired on August 4, 2008. Plaintiff has not been served with any valid response to the Complaint nor has Plaintiff been served with any request for additional time within which to respond, nor has the deadline by extended by this Court. A copy of the Court docket is attached hereto as Exhibit "A."

FURTHER AFFIANT SAYETH NAUGHT.



John Macaluso

SWORN TO AND SUBSCRIBED before me this 27th day of August, 2008.



VERONIKA L. SOSTAK
NOTARY PUBLIC, STATE OF
NEW YORK AT LARGE

My Commission Expires:

VERONIKA L. SOSTAK
NOTARY PUBLIC-STATE OF NEW YORK
No. 01506099023
Qualified in New York County
My Commission Expires September 22, 2011

Affidavit of John Macaluso
In support of
Application for Entry of Clerk's
Default Against Defendant

EXHIBIT A

1:08-cv-04760-RJS Gucci America, Inc. v. Tyrrell-Miller et al
 Richard J. Sullivan, presiding
Date filed: 05/21/2008
Date of last filing: 08/27/2008

History

Doc. No.	Dates	Description
--	<i>Filed:</i> 05/21/2008 <i>Entered:</i> 05/22/2008	Summons Issued
--	<i>Filed:</i> 05/21/2008 <i>Entered:</i> 05/22/2008	Case Designation
--	<i>Filed:</i> 05/21/2008 <i>Entered:</i> 05/22/2008	Case Designated ECF.
1	<i>Filed:</i> 05/21/2008 <i>Entered:</i> 05/22/2008	Complaint
2	<i>Filed:</i> 05/21/2008 <i>Entered:</i> 05/22/2008	Rule 7.1 Corporate Disclosure Statement
3	<i>Filed:</i> 08/12/2008 <i>Entered:</i> 08/13/2008	Order
4	<i>Filed & Entered:</i> 08/27/2008	Summons Returned Executed

PACER Service Center			
Transaction Receipt			
08/27/2008 12:10:37			
PACER Login:	ga0107	Client Code:	10643-00013
Description:	History/Documents	Search Criteria:	1:08-cv-04760-RJS
Billable Pages:	1	Cost:	0.08

United States District Court

SOUTHERN

DISTRICT OF

NEW YORK

GUCCI AMERICA, INC., a New York corporation,

v.

PAULETTE TYRRELL-MILLER, et al.

SUMMONS IN A CIVIL CASE

CASE NUMBER:

08 CV 4760

JUDGE SULLIVAN

TO: (Name and address of defendant)

PAULETTE TYRRELL-MILLER a/k/a PAULETTE MILLER
 65 Edgewater Avenue
 North East, Maryland 21901

YOU ARE HEREBY SUMMONED and required to serve upon PLAINTIFF'S ATTORNEY (name and address)

John Macaluso
 Gibney, Anthony & Flaherty, LLP
 665 Fifth Avenue
 New York, New York 10022
 (212) 688-5151

an answer to the complaint which is herewith served upon you, within 20 days after service of this summons upon you, exclusive of the day of service. If you fail to do so, judgment by default will be taken against you for the relief demanded in the complaint. You must also file your answer with the Clerk of this Court within a reasonable period of time after service.

J. MICHAEL McMAHON

CLERK

Catherine L. Lappsey

(BY) DEPUTY CLERK

MAY 21 2008

DATE

Case 1:08-cv-04760-RJS Document 4 Filed 08/27/2008 Page 2 of 3

UNITED STATES DISTRICT COURT, SOUTHERN DISTRICT OF NEW YORK

Plaintiff

GUCCI AMERICA, INC., A NEW YORK CORPORATION

vs.

Defendant

PAULETTE TYRRELL-MILLER AKA PAULETTE MILLER
INDIVIDUALLY, DBA REALDEALHANDBAGS.COM DBA REAL
DEAL HANDBAGS DBA AUTHENTICSTYLE4U.COM DBA
AUTHENTIC STYLE DBA M. MILLER AND DOES 1-10Case No.: 08 CV 4760
Hearing Date:
Attorney of Record:AFFIDAVIT OF SERVICEReceived this on 0605/08@ 3:55PM

I, James F. Pietschmann, being duly sworn, depose and say, I have been duly authorized to make service of the document(s) listed herein in the above styled case, I am over the age of 18, and am not a party to or otherwise interested in this matter.

That on Jul 14 2008 6:57PM, I executed service of SUMMONS AND COMPLAINT FOR DAMAGES AND INJUNCTIVE RELIEF; CIVIL COVER SHEET; DISCLOSURE STATEMENT on PAULETTE TYRRELL-MILLER at 65 EDGEWATER Avenue, NORTH EAST, Cecil County, MD 21901

By Substituted Service to: Michael Miller, CO-RESIDENT, A white male approx. 30-35 years of age 6'0" in height weighing 220 lbs with red/blonde hair

Military Status: Not in Military

I declare under penalties of perjury that the information contained herein is correct to the best of my knowledge.

Executed on Aug 05, 2008

James F. Pietschmann
James F. Pietschmann, MD

Delaware
State of New York County of New Castle
Subscribed and sworn to before me, a notary public on Aug 05, 2008

Michael T. O'Rourke
Notary Public

FOR: Gaffigan, Stephen M (PFI)
REF: GUCCI/REALHANDBAGS

MICHAEL T. O'Rourke
NOTARY PUBLIC
STATE OF DELAWARE
My Commission Expires March 4, 2012

Order No. 5351284 SEA



Declaration of Mailing

Docket Number: 08 CV 4760

The undersigned hereby declares: that I, Elizabeth Noguera, am a citizen of the United States of America and am employed in the city of Seattle, in the state of WA.

That I am over the age of twenty-one, and not party to, nor interested in the within entitled action. My business address is 633 Yesler Way Seattle, WA 98104.

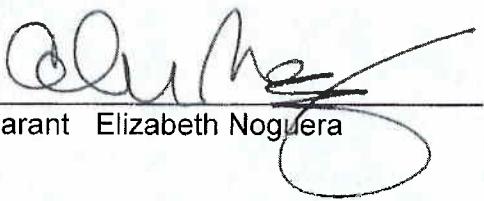
That on 08/05/2008, after substituted service was made on Jul 14 2008 6:57PM, I completed service by depositing a copy of the SUMMONS AND COMPLAINT FOR DAMAGES AND INJUNCTIVE RELIEF; CIVIL COVER SHEET; DISCLOSURE STATEMENT, in a first class postage paid envelope addressed to 65 EDGEWATER AVE NORTH EAST, MD 21901, at a US Post Office. The envelope bore the legend "**Personal and Confidential**", and did not indicate on the outside thereof, by return address or otherwise, that the communication was from an attorney or concerned and action against the defendant.

That I addressed the envelope as follows:

PAULETTE TYRRELL-MILLER AKA PAULETTE MILLER
INDIVIDUALLY, DBA REALDEALHANDBAGS.COM DBA REAL
DEAL HANDBAGS DBA AUTHENTICSTYLE4U.COM DBA
AUTHENTIC STYLE DBA M. MILLER
65 EDGEWATER AVE
NORTH EAST MD 21901

I declare under penalty of perjury of the state of New York, that the foregoing is true and correct.

I executed this declaration on August 5, 2008 at, Seattle, WA.


Declarant Elizabeth Noguera



Tracking #: 5351284

